

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)

v.)

CHANDLER TYLER OCHOA)

Case No.)

Defendant(s)

FILED

May 6, 2021

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE**CR 21-70785-MAG****CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 13, 2021 in the county of Santa Clara in the
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in Possession of Ammunition

This criminal complaint is based on these facts:

See affidavit of FBI SA Russell Lacy.

☒ Continued on the attached sheet.

Approved as to form

Jeffrey A. Backhus
AUSA

/s/ Russell Lacy (w/permission)

Complainant's signature

Russell Lacy, FBI SA

Printed name and title

Sworn to before me by telephone.

Date: May 6, 2021City and state: Oakland, CAKandis Westmore
Judge's signature

Hon. Kandis A. Westmore, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF FBI SPECIAL AGENT RUSSELL LACY IN SUPPORT OF
THE APPLICATION FOR AN ARREST WARRANT**

I, Russell Lacy, Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation and have been since July 2019. I am currently assigned to the San Jose Violent Crime Unit of the FBI's San Francisco Field Division. Prior to becoming an FBI Special Agent, I was an IT Project Manager for the Charlotte Douglas Airport in Charlotte, North Carolina.

2. My assignments include investigating individuals who are involved in the illegal possession and transfer of firearms, violent crimes involving firearms, and narcotics trafficking. I completed five months of training FBI Special Agent Basic Training program at the FBI academy in Quantico, Virginia. During my employment with the FBI, I have investigated and assisted in the investigation of criminal violations relating to firearms and/or narcotics. During these investigations, I have participated in and utilized the following investigative tools: conducting physical surveillance, interviewing suspects, writing affidavits for arrest and search warrants, executing arrest and search warrants, analyzing phone records obtained from pen registers, trap and trace devices, and physical devices, and collecting and processing evidence.

3. This Affidavit is made in support of an application for a warrant to arrest Chandler Tyler Ochoa (hereinafter "OCHOA") for a violation of Title 18, United States Code, Section 922(g) (Felon in Possession of Ammunition). As set forth in detail below, there is probable cause to believe that on or about March 13, 2021, OCHOA was a convicted felon in possession of ammunition, with knowledge that he had been convicted of a crime punishable by imprisonment for a term exceeding one year.

4. The information contained in this Affidavit is based upon my training and experience, my personal knowledge of this investigation, and information provided to me by other agents and law enforcement officials who have assisted in this investigation and have experience investigating the violations of firearm laws. This Affidavit is intended to provide

probable cause to support the issuance of the complaint and arrest warrants and does not set forth all of the information of which I am aware. The Affidavit is limited to the facts relevant and necessary to establish probable cause for the requested arrest warrant.

APPLICABLE LAW

Title 18, United States Code, Section 922(g)(1) provides as follows:

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

. . .

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce

PROBABLE CAUSE

5. On March 13, 2021, at approximately 8:45 a.m., officers of the San Jose Police Department (hereinafter “SJPD”) responded to 572 N 2nd St., in San Jose, California, within the Northern District of California, on a report of a vehicle accident. The reporting person stated that a Dodge Charger had crashed into a parked vehicle in front of the above location. The reporting party stated that the male driver of the vehicle was acting erratic and appeared to be holding a green rag and was stuffing items into his waistband area. The reporting party stated that the male driver was possibly concealing a weapon or drugs inside of his waistband area. Upon arrival, the SJPD officers observed a white Dodge Charger crashed into the rear of a parked vehicle. SJPD officers observed a male adult matching the description of the driver, later identified as OCHOA, standing near the vehicle.

6. After OCHOA saw the Police, he began to walk away from SJPD officers into the apartment complex located at 583 N 2nd St. SJPD officers observed OCHOA walking away and reaching for his front waistband area. OCHOA stopped near some bushes inside of the complex and retrieved an item from his waistband and dropped it into the bush area. Several citizens

began to shout and identified OCHOA as the driver of the crashed vehicle. After dropping the item, OCHOA began to follow verbal commands and walked toward SJPD officers. Based on OCHOA's behavior and comments made by the reporting person of a possible weapon, SJPD officers placed OCHOA into handcuffs for officer safety and later placed him in the passenger compartment of a patrol car.

7. SJPD officers canvassed the bush area near the complex where SJPD officers observed OCHOA drop an item. While canvassing the area, SJPD officers located a green handgun sitting on top of the bush area. SJPD officers took photographs of the firearm prior to collecting it. The firearm was green in color and appeared to be a Glock style semi-automatic pistol. The firearm did not have any serial numbers or any identifying markers. The firearm did not have a magazine inside of it when SJPD officers found it.

8. OCHOA became very quiet and nervous when he observed the SJPD officers walk to the area where the firearm was located. After locating the firearm, SJPD officers placed OCHOA under arrest. After a records check revealed that OCHOA was on parole, An SJPD officer performed a parole and incident to arrest search of the suspect. The search revealed a plastic bag containing a large amount of a white crystallized substance (later weighed on a digital scale and revealed to be 29.7 grams). The search also revealed one (1) 9mm round of Luger ammunition and a plastic jar containing several prescription pills. All these items were found in OCHOA's left front pants pocket.

9. OCHOA was transported and booked into the Santa Clara County Jail. After booking OCHOA, SJPD officers conducted a search of the prisoner compartment area of the patrol vehicle OCHOA had been transported in. SJPD officers located a Glock 24 round magazine stuck near the feet area of the floorboard. The magazine had 15 rounds of 9mm ammunition inside of the magazine. There was nobody else placed inside of the prisoner area of the patrol vehicle besides OCHOA. SJPD officers also conducted a search of the prisoner compartment at the beginning of the shift prior to the contact with OCHOA and the magazine was not there prior to the contact with OCHOA.

PRIOR FELONY CONVICTIONS

10. A review of OCHOA's criminal history revealed that OCHOA had multiple prior felony convictions at the time of his March 13, 2021 arrest. For example, On June 5, 2018, OCHOA was convicted of a violation of California Penal Code Section 460(A) (Burglary: First Degree), for which he was sentenced to two (2) years in prison. On January 17, 2020, OCHOA was convicted of a violation of California Vehicle Code Section 10851(A) (Taking Vehicle Without Owner's Consent) for which he was sentenced to sixteen (16) months in prison.

AMMUNITION SIEZED FROM OCHOA

11. The officers seized 16 rounds of 9mm Luger ammunition in total from the OHOA's pocket and the magazine found in the patrol car. Based on my training and experience, I know that the ammunition recovered by SJPd was manufactured outside the state of California, and therefore there is probable cause to believe the ammunition crossed state lines affecting interstate commerce.

CONCLUSION

12. Based upon the foregoing evidence, there is probable cause to believe that on or about March 13, 2021, OCHOA violated Title 18, United States Code, Section 922(g) (Felon in Possession of Ammunition). As such, I respectfully request that the court issue a criminal complaint and arrest warrant for OCHOA.

/s/ Russell Lacy (w/permission)

Russell Lacy
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 6th Day of May 2021.



THE HONORABLE KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGEDFelon in Possession of Ammunition, in violation of Title 18,
United States Code, Section 922(g)(1)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

 PENALTY: Maximum term of imprisonment of ten (10) years; maximum
 \$250,000 fine; maximum term of supervised release of three (3)
 years; mandatory \$100 special assessment fee; and criminal
 forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

▶ CHANDLER TYLER OCHOA

DISTRICT COURT NUMBER

CR 21-70785-MAG**FILED**
May 6, 2021
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☒ person is awaiting trial in another Federal or State Court,
 give name of court

Santa Clara County Superior Court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form STEPHANIE M. HINDS

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Jeffrey A. Backhus

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior
 summons was served on above charges ▶
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No bail.

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments: